

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW HAMPSHIRE**

In re:

Ezenia! Inc.,
Debtor

Bk. No. 11-13664-JMD
Chapter 11

ORDER

The Court has before it an Ex Parte Motion to Impose Automatic Stay (Doc. No. 27) (the “Motion”). In the Motion, the Debtor requests the Court prohibit Peter E. Janke (“Janke”), who filed a prepetition state court suit against the Debtor, from pursuing the state court action postpetition. The Debtor states it is concerned that Janke will continue making discovery requests and that the Debtor’s failure to participate in the state court action may lead to the entry of a default judgment. Essentially, the Debtor is asking the Court to impose an injunction that is duplicative of the automatic stay imposed by 11 U.S.C. § 362(a). The Debtor’s concerns are already addressed by bankruptcy law. In the event Janke or any other person or government official violates the automatic stay, the Bankruptcy Code offers the Debtor remedies under § 362(k). Furthermore, any postpetition orders entered by the state court in violation of the automatic stay are void. In re Soares, 107 F.3d 969, 976 (1st Cir. 1997) (holding acts taken in derogation of the automatic stay are void not voidable). Accordingly, the Motion is denied as unnecessary and duplicative of established law.

ENTERED at Manchester, New Hampshire.

Date: October 6, 2011

/s/ J. Michael Deasy
J. Michael Deasy
Bankruptcy Judge